

**LEGAL ACTION REPORT
TUCSON POLICE AND FIRE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS
MEETING OF TUESDAY, APRIL 20, 2010
CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM
FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ
9:00 A.M.**

Mr. Walkup called the Police and Fire Board Meeting to order at 9:00 a.m.

1. ROLL CALL

Police Board Members:

Robert Walkup - Chair
Marion Pickens - Member
Curry Hale - Member
Mike Gurr - Member
J. D. Kragnes - Member

1. ROLL CALL

Fire Board Members:

Robert Walkup - Chair
Marion Pickens - Member
Curry Hale - Member
Roger Tamietti - Member Absent/Excused
Brian Delfs - Member

2. POLICE CONSENT AGENDA: ITEMS A – G

- A. MINUTES FOR APPROVAL – 03/09/10 & 03/25/10
- B. PENSION PAYROLL – Deletion of Retirement Benefits for Paul Chappron in the amount of \$2,891.05 due to his death on 03/03/10 and addition of Guardian's pension for Linda Chappron in the amount of \$2,312.84 and for disabled child Michelle Chappron in the amount of \$289.11.
- C. GUARDIANS/CHILDS PENSION

Linda and Michelle Chappron – Paul passed away 03/03/10

D. DEFERRED RETIREMENT OPTION PLAN

Joseph Manuel Galvan – Election to participate in the DROP 03/31/10

Steven B. Wheeler – Election to participate in the DROP 03/31/10

E. REDEMPTION OF PRIOR SERVICE

Sandra Acuna – Redemption of prior service with Pima County CORP to Tucson Police 0.710 years in the amount of \$9,650.00

William Atchison – Redemption of prior service with the Military 2.5 years in the amount of \$68,862.83

Martin Broderick – Redemption of prior service with Dover Police to Tucson Police .085 years in the amount of \$1,582.00 & .085 years in the amount of \$1,586.00.

Robert Gamez – Redemption of prior service with Tucson Police 0.638 years in the amount of \$11,826.00

James Shultz – Redemption of prior service with the Military 4.000 years in the amount of \$89,816.00.

Bruce Smith – Redemption of prior service with Pima County CORP to Tucson Police 0.329 years in the amount of \$7,127.00.

Ronald Thomas – Redemption of prior service with Houston Police to Tucson Police 4.751 years in the amount of \$74,741.00.

Ana Valencia – Redemption of 0.668 years of prior service with A.S.R.S. in the amount of \$28,161.00.

Terry Wilson – Redemption of prior service with City of York Police to Tucson Police 4.751 years in the amount of \$68,847.00.

F. EXPENDITURE STATEMENT IN THE AMOUNT OF \$800.00 FOR ANNUAL PHYSICALS for Richard Douglas (\$400.00) and Dennis Widener (\$400.00) by Dr. Dennis Thrasher at Sunnyside Medcenter.

G. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Kragnes seconded by Mr. Gurr, that Police Board Items A – G are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 5-0.

3. FIRE CONSENT AGENDA: ITEMS A – F

A. MINUTES FOR APPROVAL – 03/09/10

- B. PENSION PAYROLL – Deletion of Retirement Benefits for James Russell in the amount of \$6,108.87 due to his death on 03/08/10 and addition of Survivor benefits for Andrea Russell in the amount of \$4,887.10. Deletion of Retirement Benefits for Timothy Parker in the amount of \$4,816.58 due to his death on 03/12/10 and addition of Survivor benefits for Sandra Parker in the amount of \$3,853.26.
- C. SURVIVORS PENSION
Sandra Parker – Timothy passed away on 03/12/10
Andrea Russell – James passed away on 03/08/10
- D. REDEMPTION OF PRIOR SERVICE
Patrick Kelly – Redemption of prior service with the Westchester County D.E.S. 3.674 years in the amount of \$134,656.00
- E. EXPENDITURE STATEMENT IN THE AMOUNT OF \$400.00 FOR ANNUAL PHYSICALS for Roscoe Ealey (\$400.00) by Dr. Dennis Thrasher at Sunnyside Medcenter.
- F. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Delfs, seconded by Mr. Hale that Fire Board Items A – F are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Tamietti absent/excused).

4. APPLICATION FOR DISABILITY PENSION EXECUTIVE SESSION - Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Fire – Attachments

Randall Hnyda

There was no executive session

Police – Attachments

Rene Gomez

There was no executive session

5. APPLICATION FOR DISABILITY RETIREMENT

Direction regarding Executive Session

Fire

Randall Hnyda

MOTION by Mr. Delfs, seconded by Ms. Pickens that based on the medical evidence provided and letter by Dr. Thrasher dated 04/14/10 that the Board approve the application for Permanent Accidental Disability Retirement for Mr. Randall Hnyda to be effective upon separation from the Fire Department. Motion **CARRIED** unanimously.

Mr. Delfs thanked Mr. Hnyda on behalf of the Board and citizens of Tucson for his service to Tucson.

Police

Rene Gomez

MOTION by Mr. Kragnes, seconded by Mr. Gurr that based on the medical evidence provided and letter by Dr. Thrasher dated 04/07/10 the Board approve the application for Permanent Accidental Disability Retirement for Mr. Rene Gomez to be effective upon separation from the Police Department. Motion **CARRIED** unanimously.

6. APPLICATION FOR DISABILITY PENSION EXECUTIVE SESSION - Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police - Attachments

John Pliett
Michael Thiffault

There was no executive session.

7. APPLICATION FOR DISABILITY RETIREMENT

Direction regarding Executive Session

Police

John Pliett
Michael Thiffault

MOTION by Mr. Kragnes, seconded by Mr. Gurr that the board denies the application for Permanent Accidental Disability Retirement submitted by Mr. John Pliett. Motion **CARRIED** unanimously.

MOTION by Mr. Kragnes, seconded by Mr. Gurr after review of the medical evidence to request that Mr. Michael Thiffault go to the Board Physician for a physical examination to determine if he is eligible for a Permanent Accidental Disability Retirement. Motion **CARRIED** unanimously.

**8. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

Police – Attachments

John Grady: DOH: 11/07/94 DOR: 06/29/00 LAST PHY: 05/08/08
Carl Miller: DOH: 06/27/93 DOR: 11/26/99 LAST PHY: 03/11/09

**9. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

Police

John Grady
Carl Miller

MOTION by Mr. Kragnes, seconded by Mr. Gurr in keeping with board policy to take a physical every other year that Carl Miller is in compliance and does not have to take a physical this year. However, the board will review his case again next year for consideration. Also that John Grady is requested to take a physical with the Board Physician, Dr. Dennis Thrasher to determine if he is still eligible for a Permanent Accidental Disability Pension. Motion **CARRIED** unanimously.

10. COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL

EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police

Virgil Judd
Mariam Law - Attachment

Fire

Roscoe Ealey - Attachment

**11. COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

Police

Virgil Judd – APPT: APRIL 22, 2010
Mariam Law

MOTION by Mr. Kragnes, seconded by Mr. Gurr to continue Virgil Judd until May and that Mariam Law has complied with Rule 17. There is sufficient evidence that she continues to be eligible for a Permanent Accidental Disability benefit based on the letter from Dr. Dennis Thrasher dated April 8, 2010. Motion **CARRIED** unanimously.

Fire

Roscoe Ealey

MOTION by Mr. Delfs, seconded by Ms. Pickens that Roscoe Ealey has complied with Rule 17. There is sufficient evidence that he continues to be eligible for a Permanent Ordinary Disability benefit based on the letter from Dr. Dennis Thrasher dated March 31, 2010. Motion **CARRIED** unanimously.

12. LEGISLATION

Police & Fire

Information only no motion made.

13. ELECTION

Police & Fire

Information only no motion made.

14. REQUEST FOR INFORMATION

Police & Fire - Attachments

MOTION by Mr. Gurr, seconded by Mr. Kragnes to deny the request for reports and suggest that they go elsewhere to get the information. Motion **CARRIED** unanimously.

MOTION by Mr. Hale, seconded by Ms. Pickens to deny the request for reports and suggest that they go elsewhere to get the information. Motion **CARRIED** unanimously.

15. FUND INFORMATION

Police & Fire

Information only no motion made.

16. ADJOURNMENT @ 9:20 a.m.

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M.** on **or Tuesday May 11, 2010** in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.

MOTION by Mr. Gurr, seconded by Mr. Kragnes, to adjourn the Police Board Meeting. Motion **CARRIED** unanimously.

MOTION by Mr. Delfs, seconded by Mr. Pickens, to adjourn the Fire Board Meeting. Motion **CARRIED** unanimously.